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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,103

06/02/2006

Rolf-Gerhard Fiedler

FIEDLER1PCT

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25889

7590

06/13/2007

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EXAMINER

LEE, GILBERT Y

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/570,103	Applicant(s) FIEDLER, ROLF-GERHARD	
	Examiner Gilbert Y. Lee	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/2/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract exceeds the 150 word maximum. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: the headings for each section is missing.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1-3 are objected to because of the following informalities: All independent claims should begin with "A" and all dependent claims should begin with "The". Appropriate correction is required.
4. Claim 1 is objected to because of the following informalities: "(3)" in line 16 should be changed to --(7)--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hesling et al. (US Patent No. 3,430,968).

Regarding claim 1, the Hesling et al. reference discloses a multi-part oil control ring (Fig. 1) for pistons (12) of internal combustion engines, having two lamellae (26 and 28) consisting of steel strips (Col. 4, Lines 36-42) and having parallel walls (Fig. 1), the working surfaces (e.g. 62 and 66) of which have a barrel-shaped asymmetrical shape (Fig. 1), in each instance, having a vertex line (e.g. line of each element 26 and 28 in contact with element 34) that extends over the circumference of the lamellae (Fig. 1), as well as a spreading spring (30) disposed between the lamellae, which presses the lamellae both axially against one of the walls (e.g. 18 and 20) of a ring groove (e.g. 22) in the piston, in each instance, and radially against the cylinder wall (14),

wherein

the working surfaces of the two lamellae are configured in such a manner that they correspond to a final contour approaching a condition of wear in the run-in state of the engine, whereby the vertex lines of the working surfaces are oriented in the opposite direction to the center of the ring groove, in each instance, in the assembled state of the oil ring in the piston (Fig. 1).

#### ***Allowable Subject Matter***

6. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, taken as a whole, does not show nor suggest the combination of limitations required by the claims. Hesling et al. (US Patent No. 3,430,968) is considered the closest prior art. Hesling et al. discloses the invention substantially as claimed in claim 1, including the working surface having a barrel-shaped asymmetrical shape (Fig. 1). However, the Hesling et al. reference fails to explicitly disclose the cross section of the three segments meeting the equations required by the claims. Claim 2 requires at least two parabolic shapes. As seen in the figures of Hesling et al., the surfaces are all straight/flat lines. There does not appear to be any motivation, absent Applicant's own disclosure, to modify the prior art in the manner required by the claims.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilbert Y. Lee whose telephone number is 571-272-5894. The examiner can normally be reached on 8:00 - 4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571)272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GL

June 7, 2007



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for

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SPE 3673